

Congressman Allen West
Statement for the Congressional Record
H. Con. Res 51
On June 3, 2011

Mr. Speaker: I rise today in support of H. Con. Res 51 by my colleague Congressman Dennis Kucinich, which directs President Barack Obama to remove the United States Armed Forces from Libya by not later than 15 days after the adoption of this concurrent resolution.

Let me be perfectly blunt – the reason we are here today voting on two resolutions that deal with the President’s role and responsibility under the War Powers Resolution is because of President Obama’s failure to abide by the law, and our failure to address this issue before day 74.

The War Powers Resolution was enacted into law on November 7, 1973, overriding President Richard Nixon’s veto. The law states that the President's powers as Commander in Chief to introduce United States forces into hostilities or imminent hostilities are exercised only pursuant to either 1) a declaration of war; 2) specific statutory authorization; or 3) a national emergency created by an attack on the United States, its territories and possessions, or its forces.

The War Powers Resolution requires the President – in every possible instance – to consult with Congress before introducing American armed forces into hostilities unless there has been a declaration of war or other specific congressional authorization, such as the Congressional Resolution that provided President George W. Bush authority to engage in Operation Iraqi Freedom in 2003.

The War Powers Resolution also requires the President to report to the United States Congress any introduction of forces into hostilities or imminent hostilities, into foreign territory while equipped for combat, or in numbers which substantially enlarge U.S. forces equipped for combat already in a foreign nation. Such a report is required within 48 hours. Once this report is submitted – or required to be submitted – the United States Congress must authorize the use of forces within 60 days, or the forces must be withdrawn within 30 days from the 60 day mark.

Before discussing the current situation the United States finds itself in, it is important for the American people to understand the reasoning behind the passage of the War Powers Resolution in the 1970s.

Article I, Section 8 of the United States Constitution gives the United States Congress the power to declare War, not the President. However, Article II, Section 2 declares that “The President shall be Commander in Chief of the Army and Navy of the United States.” Many Presidents have cited their authority under Article II, Section 2 to defend the United States against attacks,

or to take actions in our nation's national security interest, through military action without a formal declaration of war.

Presidents Eisenhower, Kennedy, Johnson and Nixon used their authority as Commanders in Chief in order to send American combat "advisors" forces into Vietnam beginning in the late 1950s. By the 1968 Tet Offensive, the United States had over half a million troops on the ground in Vietnam engaged in intense military conflict. Unclear about the American strategy in Vietnam, many Members of Congress became concerned about their eroding authority granted by the Constitution to debate, decide and declare when to involve the United States in a war.

As such, the War Powers Resolution enacted in order to ensure the checks and balances mandated by the United States Constitution would remain intact during times of armed conflict.

On March 19, 2011, U.S. military forces began operations in Libya. Two days later, on March 21, 2011, President Barack Obama informed the United States Congress that Operation Odyssey Dawn was aimed at "assisting an international effort authorized by the United Nations Security Council... to prevent a humanitarian catastrophe and address the threat posed to international peace and security."

To date, President Obama has not provided a clear and defined mission for the United States involvement in Libya. Since the opening hours of military action on March 19, the President has had no clear direction in Libya. President Obama has not defined the mission, defined success, nor defined the end state. Further, the President has still not identified who the so-called rebels are that are receiving millions of dollars of American support in terms of weapons, ammunition, and resources, as well as attacks against Moammar Qadaffi's forces.

As a 22-year Army combat veteran, I can tell you from experience that successful mission completion is obtained by properly defining the very things I have mentioned, which President Obama has failed to do. As a Member of the United States House of Representatives, I swore an oath to protect and defend American citizens against all enemies, foreign and domestic.

Is Moammar Qadaffi an enemy of the United States – absolutely. But because President Obama has not informed us of whom the rebel forces we are supporting are, how can we be absolutely certain that they will not be an enemy of this country? Quite simply, we cannot because the President has failed to define our strategy.

It has now been 74 days since President Obama informed the United States Congress on the introduction of American forces into Libya as required by the War Powers Resolution. Since March 21, 2011, the United States Congress has not declared war or enacted a specific authorization for the use of force, has not extended the 60-day period required by the War Powers Resolutions, nor is United States Congress physically unable to meet as a result of an attack upon the United States. In fact, United States Congress has met nearly 30 times since

March 21, 2011. Therefore, President Obama is in violation of Title 50, Chapter 33 of United States Code – the War Powers Resolution.

Section 5, Paragraph C of the War Powers Resolution states that “at any time that United States Armed Forces are engaged in hostilities outside the territory of the United States, its possessions and territories without a declaration of war or specific statutory authorization, such forces shall be removed by the President if the Congress so directs by Concurrent Resolution.”

The Concurrent Resolution offered by Congressman Kucinich falls right in line with Section 1544 of the War Powers Resolution, and simply states that pursuant to Section 5c of the War Powers Resolution, the United States Congress directs the President to remove armed forces from Libya within 15 days of enactment.

President Barack Obama is in violation of the law – plain and simple – and he must comply with the law. The very foundation of our Republic lies on the rule of law, and is guarded by a system of checks and balances, and as a Member of the United States Congress, I have a Constitutional obligation to ensure this system is upheld.

I support the Concurrent Resolution offered by Representative Kucinich.